

**TOWN OF RED HOOK PLANNING BOARD
APPROVED MEETING MINUTES
September 19, 2016**

CALL TO ORDER / DETERMINATION OF QUORUM

Christine Kane called the meeting to order at 7:30 pm. A quorum was determined present for the conduct of business. Members present: Christine Kane, Charlie Laing, Kallie Robertson, Lisa Foscolo, Brian Kelly, Sam Harkins and Sam Phelan. Also present were planning consultant Michele Grieg and engineering consultant Brandee Nelson.

Ms. Kane announced one change to the agenda. Under other business, the Board would discuss the Special Report on Drive-Thru and Formula Businesses prepared by the Intermunicipal Task Force.

Ms. Kane announced that training programs were being offered by the Dutchess County Planning Federation in October, and distributed information about the programs.

Brian Kelly made a motion to approve the minutes of the August 15 meeting. Charlie Laing seconded and all members voted in favor.

OLD BUSINESS

DMAJS Associates LLC Minor Subdivision – Edgewood Drive/Cedar Drive/Overlook Drive, Red Hook
Continued discussion of sketch plan application to create a 3 lot subdivision from a 29.6 acre parcel.

Doug Strawinski was present. He reviewed revisions that have been made to the plat since the last meeting. He said it had been determined that an .058 acre piece of land that provides the access point to proposed parcel 3 was deeded to the Town in the past, and the Superintendent of Highways has stated to him that the Town does not plan to use it for anything, so the applicant will draw up an easement agreement with the Town for ingress and egress to the common driveway that will serve all three proposed lots. The applicant will also draft an easement agreement with the Town for the use of the cul de sac at the end of Cedar Drive.

Mr. Strawinski displayed an aerial image showing the subdivision with the recommended buffer of 200 feet from the agricultural lands bordering proposed lot 3, on which the building envelope does not meet the recommended setback.

Christine Kane explained for those in attendance that when projects are proposed adjacent to farm properties and properties in the Agricultural Business District (ABD), there is a directive that the Planning Board can require an extra buffer of up to 200 feet, in order to help prevent conflicts between residential uses and existing farms. She said this subdivision borders two farms in the ABD, Kalina Farm on the north and Kesicke Farm on the east, and the current buffer from the proposed parcel 3 home site is 165 feet from Kalina Farm and 40 feet from Kesicke Farm.

Mr. Strawinski said that the topography of the lot and the best location of the proposed septic system expansion makes it difficult to site the house elsewhere. He said the existing border is forested, and the applicant would agree not to remove any of the existing trees. When asked by Sam Phelan, Mr.

Strawinski said the current use of the adjacent land is cattle grazing. Mr. Phelan indicated existing residences on Overlook Drive adjoining Kesicke Farm that have far less than a 200 foot buffer.

Sam Harkins suggested flipping the house and garage around, which would result in about 120 feet between the residence and the farm. The applicants agreed to the compromise.

The Board generally agreed that the two flag lots that will be created by the subdivision permit reasonable use of the subdivision tract without adverse environmental impact or in contravention of public health safety and welfare, and that the project meets the minimum flag lot requirements.

A Public Hearing for the project was scheduled for Oct. 3.

Funshine Nursery School – 208 Rockefeller Lane – Site Plan

Presentation of application to replace a demolished 1307 square foot building with a new 1540 square foot building at an established daycare center in the R 1.5 Zoning District.

Don Triebel of AMJ Properties and engineer Tim Ross were present. Mr. Ross distributed an updated narrative of the project and a revised site plan. Christine Kane said the revised site plan would have to be reviewed for the next meeting by the Board's planning consultant.

Mr. Ross gave an update of the project. He said that he had reduced the size of parking spaces and increased the number of spaces to 31. Ms. Grieg asked what the maximum number of students on site any given day would be. Mr. Triebel said 63 are allowed. Ms. Grieg asked how many employees were on site. Mr. Triebel said between 8 and 11. Ms. Grieg explained these statistics would help her to determine how many parking spaces would be required.

Mr. Triebel said the proposed building would be used for recreation, not classroom space, and there would be no bathroom or running water.

Ms. Kane said that the school has been granted two variances in the past to increase enrollment. She said that the chairman of the Zoning Board of Appeals (ZBA) had objected to the Planning Board entertaining this application because the variances were granted with the condition that no further enlargement of the school occur, and the proposed building is approximately 233 square feet larger than the building it is proposed to replace. She said the ZBA Chairman's position is that any enlargement of the physical facility will invalidate the variances granted.

Ms. Kane said that she had asked Planning Board Attorney Joel Sachs to give a legal opinion on the matter. She said Mr. Sachs stated that the Planning Board's jurisdiction is site plan, not the number of children enrolled or on site at any time. She said the Mr. Sachs had counselled her that if moving the building was going to improve such things as site flow and usage, which the Planning Board concerns itself with, the Planning Board could review it as such. In Mr. Sachs' opinion, if the size of the new building was the same size as the one it is proposed to replace, it would maintain the spirit of the ZBA's concerns about not intensifying the use of the property. On the other hand, he said, if the Board felt that the proposed increase in the size of the building is so minor as to merit disregard, or in legal terms, is *de minimis*, the Board may move forward with reviewing the project as proposed.

After some discussion, Ms. Kane asked each Board member if he or she felt the 233 additional square feet was *de minimis* or significant. Brian Kelly, Sam Phelan, Sam Harkins, Charlie Laing and Kallie

Robertson said they felt it was de minimis. Lisa Foscolo and Christine Kane said they felt that it was significant. Therefore, the Board generally agreed to proceed with the site plan review.

The applicants are scheduled to reappear before the Board Oct. 3.

OTHER BUSINESS

Final approval extension request – the Preserve at Lakeskill

Christine Kane reviewed a request from the project’s attorney for a 90-day extension to satisfy the conditions of final approval since they are still working to receive final approvals from the DC Department of Health and DC Water & Wastewater Authority. Charlie Laing made a motion to grant the extension. Sam Phelan seconded and all members voted in favor.

Update – Jaeger Haus Restaurant

Emily Carvajal was present. She said that the Dutchess County Department of Health has approved their aerobic sewage disposal system (SDS), but is requiring a super-fill leach field, which they will not approve until it is constructed and perc-tested. She asked the Board to waive for now the condition of Health Department approval if all other conditions were satisfied so they could start construction at the same time as they start the SDS system construction. The Board agreed to waive the condition for now.

Pre-application discussion – Francesco Buitoni, site plan and special permit

Mr. Buitoni was present. He said he is considering purchasing a building on approximately 6.5 acres on Route 199 that had been used in the recent past as cold storage for apples for a possible restaurant. Michele Grieg said that it would be an allowed use, but would require site plan review and a special use permit. The Board agreed that parking and installing a septic system may be the biggest challenges, and the Department of Transportation (DOT) would have to approve the driveway access.

Proposed Local Law to prohibit drive-thru and formula businesses

Town Supervisor Robert McKeon was present, and said he had several things he wanted to discuss with the Board.

Mr. McKeon said that the town hall will soon be equipped with a smart screen in the courtroom so that the public will have a better view of Planning Board projects. Ms. Kane said that the Town Board will need to change the language of zoning regulations with regard to Planning Board submissions.

Mr. McKeon said construction of a sidewalk from the town hall to Hannaford will begin soon, and the town plans to apply for a grant for a “multi modal transportation project” to connect Meadow Road to the High School without the use of a automobile and Planning Board input would be welcomed by the end of September.

Mr. Mckeon distributed a special report on drive-thru and formula businesses prepared by the Intermunicipal Task Force (ITF) in support of amending the Zoning Code to prohibit such businesses in Red Hook. He discussed the progress of the ITF over the last 7 months, and asked Board members to review the report and accompanying documents. He said the major impacts of drive-thrus and formula businesses are on community character. He asked the Board to carefully review the information provided in anticipation of a Town Board referral to the Planning Board in the near future.

ADJOURNMENT

There being no further business before the board, Kallie Robertson made a motion to adjourn. Brian Kelly seconded and all members voted in favor.

Respectfully submitted,

Kathleen Flood
Secretary